

**REMARKS**

Claims 1-26 are currently pending in the application. Claims 1-26 have been rejected under 35 U.S.C. § 103(a).

**The 35 U.S.C. § 103 Rejections**

The Examiner rejected claims 1-26 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,968,855 to Perdelwitz, Jr. *et al.* ("Perdelwitz") in view of U.S. Patent No. 4,323,069 to Ahr *et al.* ("Ahr"). The Applicant respectfully traverses and requests reconsideration of these rejections for at least the following reasons.

Three criteria must be met to establish a *prima facie* case of obviousness: (1) there must be some suggestion or motivation to modify the reference or to combine reference teachings, (2) there must be a reasonable expectation of success, and (3) the prior art references must teach or suggest all the claim limitations. *See MPEP § 2142 et seq.* Applicant respectfully submits that the prior art of record, regardless of whether it is properly combined, fails to teach or suggest all of the features of the pending claims, and therefore there is no *prima facie* case of obviousness.

With respect to independent claim 1, the Examiner alleges that Perdelwitz discloses an "absorbent article [that] has a 300 mL rewet under load of less than 1.25 g, as disclosed in column 9, lines 23-45 and table 2. It therefore follows that the rewet under load for only 200 mL would inherently be less than 1.25g as well." Office Action at page 2. Applicant submits the present invention is distinguishable over Perdelwitz because the rewet test methods are significantly different, and will produce different results. Presented below is Table I, which summarizes the differences in the two test methods.

**Table I: Comparison of Rewet Test Methods**

Perdelwitz Test Method	Present Invention Test Method
<u>Strikethrough Plate</u> 4" x 12" 1/21" thick 2" i.d. hole cut at 6" o.c. from leading edge 2" i.d. plexiglass tube protruding from hole full 2" i.d. opening to product total weight: 0.3 psi	<u>Strikethrough Plate</u> 100 mm square (~4" x 4") 25mm thick (~1") 25mm i.d. hole cut (~1") hole centered on plate tapered hole, (no tube) six-armed opening to product, six 9.5mm x 1.5mm slots (no weight specified)
<u>Placement</u> orifice centered 61" [?] from the leading bottom edge of the front waistband centered within the leg cuffs	<u>Placement</u> orifice placed over the <i>center of absorbent core</i>
<u>Insults</u> 1) initial - 100 mL (no weight / rewet) 2) 10 mins after initial 100 mL 3) 20 mins after initial <u>100 mL</u> Total: 300mL	<u>Insults</u> 1) initial 100 mL - 0.5 psi load for 10 minutes - rewet for 10 minutes 2) (~20 mins after initial) 100 mL - 0.5 psi load for 10 minutes - rewet for 10 minutes 3) (~40 mins after initial) <u>100 mL</u> - 0.5 psi load for 10 minutes - rewet for 10 minutes Total: 300mL
<u>Rewet Method</u> conducted 50 minutes after initial insult load: 4" x 4" weight - 0.5 psi 2 filter papers, 5" square (no weight specified) load / paper maintained for 2 minutes	<u>Rewet Method</u> conducted <i>after every insult</i> load: 2.5" x 2.5" weight - 0.5 psi for second rewet: 79g of filter paper for third rewet: 90g of filter paper load / paper maintained for 10 minutes

As Table I demonstrates, it is impossible to compare the results from the Perdelwitz test to the properties claimed by the present invention because the two test methods are very dissimilar. Further, one of ordinary skill in the art would recognize

that Perdelwitz's disclosure of a 300 mL rewet under load of 1.25 g using *the Perdelwitz test*, would not inherently produce a 200 mL rewet of 1.25 g *using the claimed test method*.

Both Perdelwitz and Ahr fail to teach an absorbent product having an apertured film transfer layer, and having a 200 milliliter rewet less than 1.25 grams and a 300 milliliter rewet less than 4 grams, when measured according to the rewet test method of the present invention. In contrast, the Applicant has unexpectedly found that an absorbent product using an apertured film transfer layer as claimed, produces unexpectedly low rewet results when compared to conventional absorbent products, particularly those that use a nonwoven transfer layer. In particular, the applicant claims an apertured film disposed between the inner layer and the absorbent core yielding a 200 mL rewet under load of less than about 1.25 grams, and a 300 mL rewet under load of less than about 4 grams, when tested according the claimed rewet method, whereby the 200 milliliter rewet under load is determined by insulting the absorbent article with a first 100 milliliter dose, placing a 0.5 psi load on the area of insult for 10 minutes, measuring the 100 milliliter rewet for 10 minutes, insulting the absorbent article with a second 100 milliliter dose, placing a 0.5 psi load on the area of insult, and thereafter measuring the 200 milliliter rewet for 10 minutes; and whereby the 300 milliliter rewet under load is determined by insulting the absorbent article with a third 100 milliliter dose, placing a 0.5 psi load in the area of insult for 10 minutes, and thereafter measuring the 300 milliliter rewet for 10 minutes. It is respectfully submitted that Perdelwitz and Ahr, in combination, fail to teach or suggest all the elements of claim 1, and therefore do not support a *prima facie* case of obviousness. For at least these reasons, the Applicant respectfully requests reconsideration and allowance of claim 1.

#### Claims 2-26

The Examiner rejected claims 2-26 as being rendered obvious by Perdelwitz in view of Ahr. Claims 2-26 depend directly from claim 1. As such, the applicant claims that for at least the same reasons listed above, claims 2-26 are also not rendered obvious

by Perdelwitz in view of Ahr. Therefore, the applicant respectfully requests reconsideration and allowance of claims 2-26.

**CONCLUSION**

For at least the reasons outlined above, the Applicant respectfully submits that the application is in condition for allowance. Favorable reconsideration and allowance of the pending claims are respectfully solicited. Should there be anything further required to place the application in better condition for allowance, Examiner Anderson is invited to contact the Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,  
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